

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 28<sup>TH</sup> DAY OF OCTOBER 2002, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Mary W. Biggs	-Chair
	Larry N. Rush (Arrived 7:25 p.m)	-Vice Chairman
	Gary D. Creed	-Supervisors
	John A. Muffo	
	Annette S. Perkins	
	James D. Politis	
	C.P. Shorter	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers, Jr.	-Planning Director
	Steve Sandy	-Zoning Administrator
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary

### **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

The Chair called the meeting to order and the Pledge of Allegiance was recited.

### **PUBLIC HEARINGS**

#### **Special Use Permit**

**David & Patricia Colatosti request a Special Use Permit, with possible conditions, in Agriculture (A-1) to allow a private garage in excess of 850 square feet and sixteen (16) feet in height.** The property is located at 1445 Taylor Hollow Road and is identified as Tax Parcel No. 56-A-5 (Account ID #030419) in the Mount Tabor Magisterial District. The property lies in an area designated as Agriculture/Conservation Area in the Comprehensive Plan.

At their October 16, 2002 meeting, the Planning Commission recommended approval with 3 conditions:

1. The proposed structure shall not exceed 1100 square feet.
2. The proposed structure shall not exceed 21 feet in height.
3. If the proposed structure is located on the fill area, the stability of the fill will be tested by an engineer prior to issuance of a building permit.

There being no speakers, the public hearing was closed.

#### Special Use Permit

**Richard Rentfrow requests a Special Use Permit, with possible conditions, in Residential (R-2) to allow a private garage in excess of 850 square feet and sixteen (16) feet in height.** The property is located at 775 Deercroft Drive and is identified as Tax Parcel No. 55-4-10 (Account ID #027660) in the Mount Tabor Magisterial District. The property lies in an area designated as Agriculture Area in the Comprehensive Plan.

At their October 16, 2002 meeting, the Planning Commission recommended approval with 4 conditions:

1. The proposed structure shall not exceed 1700 square feet.
2. The proposed structure shall not exceed 21 feet in height.
3. The proposed structure shall match the architectural style of the existing structures on the property.
4. If the second floor to be used as an accessory or guest residence, the building must meet all applicable residential building codes and requirements for residential structures.

There being no speakers, the public hearing was closed.

#### Special Use Permit

**Daryl W. Smith requests a Special Use Permit, with possible conditions, in Agriculture (A-1) to allow a private garage in excess of 850 square feet and sixteen (16) feet in height.** The property is located at 1427 Den Hill Road and is identified as Tax Parcel No. 68-A-90 (Account ID #017757) in the Shawsville Magisterial District. The property lies in an area designated as Rural Area in the Comprehensive Plan.

At their October 16, 2002 meeting, the Planning Commission recommended approval with 2 conditions:

1. The proposed structure shall not exceed 1250 square feet.
2. The proposed structure shall not exceed 16 feet in height.

There being no speakers, the public hearing was closed.

Special Use Permit Amendment

**T. Todd & Paige Walters (Agent: T/A Valley Landscaping, Inc.) request an amendment to a Special Use Permit** originally approved with conditions on March 13, 2000 in Agriculture (A-1) on a 18.510 acre tract, identified as Tax Parcel No. 68-5-9A (Account ID #022007) for a Garden Center. Property is located at 750 Den Hill Road in the Mount Tabor Magisterial District. The property lies in an area designated Rural Area in the Comprehensive Plan.

At their October 16, 2002 meeting, the Planning Commission recommended approval with 4 conditions:

1. Fill within the designated floodplain shall be removed or the property owner will file for a floodplain map amendment within 30 days of approval of the Special Use Permit.
2. Construction shall be substantially in accordance with the conceptual site plan prepared by Anderson and Associates date August 30, 2002.
3. All driveways and parking areas shall be gravel or other permeable surface to reduce stormwater runoff on Cedar Run.
4. Any fuel, chemical ( including fertilizers), and hazardous materials shall be stored at least 100 feet from the 100 year floodplain.

The Zoning Administrator explained the Planning Commission discussed the filling of the floodplain and expressed concern with whether or not the proper permits had been obtained. The Zoning Administrator, after consultation with the County Engineer, determined that proper Erosion and Sediment permits were not obtained prior to filling to the floodplain. The Zoning Administrator stated that a stop work order was issued until the proper permits were approved and issued.

Todd Walters, applicant, was present and offered to answer any questions from the Board.

John Moore expressed concerns with the filling of the floodplain. Mr. Moore indicated disturbance of land in the floodplain area may cause flooding on Cedar Run Road, which is already subject to flooding.

There being no further speakers, the public hearing was closed.

Special Use Permit

**Virginia Gas Co. (Agent: Red, White & Blue Paving) requests a Special Use Permit, with possible conditions, in Manufacturing (M-1) to allow a contractor's storage yard.** The property is located on the West side of Roanoke Road approximately 750 feet North of Crozier Road intersection and is identified as Tax Parcel No. 59-A-47C (Account ID #027698) in the Shawsville Magisterial District. The property lies in an area designated as Urban Expansion Area in the Comprehensive Plan.

At their October 16, 2002 meeting, the Planning Commission recommended approval with eight conditions:

1. Only operable construction and/or paving equipment belonging to Red, White, & Blue Paving shall be permitted to be stored on the property behind or within the existing buildings. All vehicles and equipment shall be stored outside of the Roanoke River floodway.
2. The existing entrance shall be paved in accordance with VDOT's request within thirty (30) days of approval of the SUP.
3. No fuel, oil or other hazardous materials shall be stored on the property. No repair work shall be conducted on-site.
4. No new structure(s) shall be constructed on site.
5. Any lighting installed on site shall be dusk to dawn, "full cut-off" type fixtures to avoid glare onto adjacent properties.
6. This Special Use Permit shall expire four (4) years from the date of approval by the Board of Supervisors. The Zoning Administrator can grant a single six (6) month extension to this time limit after receipt of a written request from the property owner.
7. The zoning administrator and/or other county employee designated with enforcement responsibilities of the county ordinances shall have the right to access the property to ensure compliance with all above conditions.
8. Failure to comply with these conditions shall result in revocation of this Special Use Permit by the Board of Supervisors.

The Chair reported that she received a phone call from Mr. Joe Stewart, who stated for the record, he opposes this request due to the site being in the floodplain.

There being no speakers, the public hearing was closed.

Rezoning Request and Special Use Permit

**Robert M. Apgar (Agent: Hershel Scott)** requests to rezone approximately 65,000 square feet from Agriculture (A-1) to General Business (GB) and a Special Use Permit, with possible proffered conditions, to allow automotive, light truck and manufactured home sales and service. The property is located at 10212 Roanoke Road and is identified as Tax Parcel No. 47-A-32 (Account ID # 000839) in the Shawsville Magisterial District. The properties lie in an area designated as Urban Expansion in the Comprehensive Plan.

At their October 16, 2002 meeting, the Planning Commission recommended approval with six conditions:

1. Rezoning of 65,000 square feet to General Business is for automotive, light truck sales, service, rental and repair only.
2. A site plan in accordance with zoning ordinance shall be prepared by VA licensed engineer or surveyor and approved by zoning administrator prior to opening of business.
3. No outdoor advertising (billboard) signs shall be permitted on the property.
4. A VDOT commercial entrance permit shall be obtained prior to opening of business.
5. Any lighting installed shall be full cut-off type lighting to avoid glare onto adjacent properties and roadways.
6. Site shall be served by public sewer as soon as it becomes available.

The Planning Commission recommended approval of the Special Use Permit with the following three conditions:

1. Special Use Permit authorizes the sale of Class A and/or B manufactured homes only. No repair of manufactured homes shall occur on site. All manufactured homes shall be in good condition.
2. Site shall contain no more than twelve (12) manufactured homes at any time and no more than fifteen (15) new or used automobiles.
3. This Special Use Permit is valid for four (4) years from the date of approval by the Board of Supervisors.

Richard Apgar, applicant, addressed the Board on behalf of his request. Mr. Apgar stated that the Montgomery County Health Department has approved his request to place port-o-johns on this site until public sewer was available; therefore, he feels there should be no problem with the Board approving his request. He also noted that the County uses port-o-johns at their consolidated collection sites. Mr. Apgar stated that he is willing to hook up to public sewer once the sewer line is completed from the Church to the main line. Until such time, he will be using port-o-johns.

James Miller spoke in opposition to the rezoning and special use permit. Mr. Miller stated he was not opposed to a business at this site, but was opposed to this type of business. The approval of a special use permit to allow the sale of used trailers would be an eyesore to this area.

Richard Tambourine, Fundamental Foods, Inc., spoke in opposition to the rezoning and special use permit. Mr. Tambourine expressed his concerns for the type of business that is being considered for this site. He stated that the community has devoted a great deal of time to improve the community and has worked hard in maintaining a good image. He is not opposed to commerce in the area, but suggested that the county bring more retail business that would better serve the local community. He asked that the Board deny this request in order to keep an organized plan to maintain the beauty of this area.

There being no further speakers, the public hearing was closed.

#### Special Use Permit

**RRH Property Management requests a Special Use Permit on 2.71 acres of a 4.01 acre tract currently zoned Residential (R-2), with possible conditions, to allow a day care center.** The property is located at 1803 Fairview Church Road and is identified as Tax Parcel No. 119-A-33A (Acct ID #000274) in the Riner Magisterial District. The property currently lies in an area designated as Rural Expansion in the Comprehensive Plan.

At their October 16, 2002 meeting, the Planning Commission recommended approval with six conditions:

1. Approval of the Special Use Permit authorizes construction of a day care center only.
2. Property shall be developed in substantial conformance with the conceptual plan by Hixon Construction dated 10/08/02.
3. An approved VDOT commercial entrance permit shall be obtained prior to approval of site plan and issuance of building permits.
4. All development shall be served by public water and sewer. Approval of these facilities by the Montgomery County Public Service Authority shall be obtained prior to approval of site plan and

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issuance of building permits.

5. Fire Hydrant(s) shall be located within 500 feet (by road) of the proposed day care center.
6. An approved state required fence type and height shall be installed around the playground areas.

Rick Hixon, applicant, was present and offered to answer any questions from the Board. Mr. Hixon stated he did a lot of research before considering locating a day care center at this location. He feels there is a need for a day care center in the Riner area and believes it will be well received by the citizens of Riner.

Margaret Smith addressed the Board with concerns of a day care center located on Fairview Church Road. Ms. Smith stated she was not against a day care center in Riner, only on the proposed location. She expressed concerns with the entrance to the day care center off Fairview Church Road that would require a steep slope in order to get to the center. This steep slope will be extremely dangerous during the winter months. She also expressed concerns with the stormwater run off, which would only add to the existing flooding.

Stephanie Kopka spoke in favor of the special use permit. Ms. Kopka stated she lives on Fairview Church Road and there is an immediate need for a day care center in the Riner area. She does not believe there will be a problem during the winter months in getting to the day care center.

Steve Seomones, Balzar and Associates, engineer for the applicant, was present and offered to answer any questions from the Board.

There being no further speakers, the public hearing was closed.

#### Vacation of Mid-Pines Right-of-Way

**Todd and April Peacock request to vacate the portion of Mid Pines Road right-of-way adjoining Lot 501 of Blacksburg Country Club Estates** (Tax Parcel No. 55-12-501, Account ID# 001896) and add this portion to Lot 501 in accordance with the provisions of Section 15.2-2272.2 of the Code of Virginia, as amended.

**Alley Loy Campbell requests to vacate the portion of Mid Pines Road right-of-way adjoining Lot 548 of Blacksburg Country Club Estates** (Tax Parcel No. 55-12-548, Account ID# 001895) and add this portion to Lot 548 in accordance with the provisions of Section 15.2-2272.2 of the Code of Virginia, as amended.

**Stephen and Donna Forkner request to vacate the portion of Mid Pines Road right-of-way adjoining Lot 550 of Blacksburg Country Club Estates** (Tax Parcel No. 55-12-501, Account ID#

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006558) and add this portion to Lot 550 in accordance with the provisions of Section 15.2-2272.2 of the Code of Virginia, as amended.

The Planning Director described the request and the history of Mid-Pines Road. When Blacksburg Country Club Estates was platted and recorded in the Clerks Office, Mid-Pines Road was to be a developed road. In the development of Blacksburg Country Club Estates, the developer decided not to develop Mid-Pines Road and the Virginia Department of Transportation ruled that the construction was no longer necessary. Therefore, the landowners have requested that the land held for the construction of this road be conveyed back to them.

John Moore addressed the Board in opposition to this request. Mr. Moore indicated that Mid-Pines Road is a connector road for Cascade Road and Plank Drive. He was disappointed when the developer decided not to develop and upgrade this road.

There being no further speakers, the public hearing was closed.

### **PUBLIC ADDRESS SESSION**

Richard Vaught addressed the Board to request a speed study be conducted on Georges Run Road. This road was brought up to state standards and the speed limit is 55 mph. The traffic has increased tremendously and he believes the speed limit is too high. Mr. Vaught presented a petition with signatures requesting the speed limit be lowered to 35 mph.

Margaret Smith invited the Board of Supervisors to attend the Friends of Riner meeting on October 29, 2002 at 7:00 p.m. at the Auburn High School. They will be discussing water issues. This is just one of many meetings planned to inform the community on issues within Riner and Montgomery County.

### **ADD TO THE AGENDA - ADDENDUM**

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously, the following addendum dated October 28, 2002 was added to the agenda:

#### **1. Schedule Public Hearing**

Proposed Ordinance -Prohibiting the Resale of Tickets for More than the Tickets Face Value to

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Certain Public Events

**2. Into Closed Meeting**

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Agency on Aging

The vote on the foregoing addendum was as follows:

<u>AYE</u>	<u>NAY</u>
Larry N. Rush	None
C.P. Shorter	
James D. Politis	
Gary D. Creed	
Annette S. Perkins	
John A. Muffo	
Mary W. Biggs	

**CONSENT AGENDA**

On a motion by John A. Muffo, seconded by Annette S. Perkins and carried unanimously, the Consent Agenda dated October 28, 2002 was approved.

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Gary D. Creed	
Annette S. Perkins	
John A. Muffo	
Larry N. Rush	
C.P. Shorter	
Mary W. Biggs	

**Approval of Minutes of August 14 and August 26, 2002**

On a motion by John A. Muffo, seconded by Annette S. Perkins and carried unanimously, the

minutes dated August 14, 2002 and August 26, 2002 were approved.

**E-911 Street Naming - Henry Eaves Drive**

On a motion by John A. Muffo, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, There are four (4) properties on a private road located off Branch Street ( private drive) and the property owners have petitioned the County to name this street Henry Eaves Drive; and

WHEREAS, Henry Eaves Drive complies with the County Street Name Policy.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that, after duly considering said request, the Board approves the use of the name Henry Eaves Drive.

**Addition to the Secondary System of State Highways - Brush Mountain West Phases 6 & 7**

On a motion by John A. Muffo, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, The streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Montgomery County; and

WHEREAS, The Virginia Department of Transportation has deemed this county's current subdivision control ordinance meets all necessary requirements to qualify this county to recommend additions to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia; and

WHEREAS, After examining ownership of all property abutting the streets, this Board finds that speculative interest does not exist.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia requests the Virginia Department of Transportation to add the following streets to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia:

**ADDITION:**

Brush Mountain West Phases 6 & 7

Name of Street:

Brush Mountain Circle (SR 1072)

Length

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From: High Mountain Ridge ( Mountain Laurel Ridge) 0.12 mi  
To: Cul-de-sac  
Plat Recorded: March 21, 2000  
Plat Book: 20, Page 53

Brush Mountain Creed Road ( SR 1073)  
From High Mountain Ridge  
To: Cul-de-sac 0.16 mi  
Plat Recorded: January 23, 2001  
Plat Book: 22, Page 13

High Mountain Ridge ( Mountain Laurel Ridge) SR 1071  
From: Route 777  
To: Cul-de-sac 0.42 mi  
Plat Recorded: March 21, 2000  
Plat Book: 20, Page 53

BE IT FURTHER RESOLVED, The Board guarantees a clear and unrestricted right-of-way of 50', as described, and any necessary easements for cuts, fills, and drainage; and

BE IT FURTHER RESOLVED, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

### **OLD BUSINESS**

#### **Amend 2003 Legislative Priorities**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby amends the 2003 Legislative Priorities to include the following:

1. Assessments for Courthouse Construction, Renovation or Maintenance.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None

John A. Muffo  
Larry N. Rush  
C.P. Shorter  
Gary D. Creed  
James D. Politis  
Mary W. Biggs

## **NEW BUSINESS**

### **Commonwealth Transportation Board-Request to Name US 460 Bypass Extension (3A) in Honor of Senator Madison E. Marye**

On a motion by John A. Muffo, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, Senator Madison E. Marye is a life long resident of Montgomery County, Virginia; and

WHEREAS, Senator Marye served in the Virginia State Senate from 1973-2002 as representative of the 37<sup>th</sup> Senatorial District, which includes Montgomery County; and

WHEREAS, Senator Marye has served on the Senate's Agriculture, Conservation, and Natural Resources Committee (Chair 1996-1999); Commerce and Labor Committee; Finance Committee; General Laws Committee (Chair 1994-1995); Local Government Committee; Privileges and Elections Committee; Rules Committee; and the Transportation Committee; and

WHEREAS, Senator Marye served on the National Conference of State Legislatures Science and Energy and Environmental Resources Group; and

WHEREAS, Senator Marye has been a member of numerous interim study groups established by the Virginia General Assembly, including Interstate Route 73; Virginia's Environment; Coal Carrying Railroad Cars; Drinking Water; and Eminent Domain; and

WHEREAS, Senator Marye introduced Senate Bill No. 735 in 1999 which resulted in establishing the Food Tax Reduction Program; and

WHEREAS, During several sessions of the General Assembly, Senator Marye introduced legislation relating to refundable beverage containers; and

WHEREAS, Senator Marye was a staunch advocate of Cooperative Extension and has supported its aims and programs throughout his career; and

WHEREAS, Senator Marye sponsored legislation to create the Virginia Tech/Montgomery Regional Airport Authority; and

WHEREAS, Senator Marye has been a strong supporter of Virginia Tech, Radford University, and the New River Community College; and

WHEREAS, Senator Marye played a key role in garnering support for institutions of higher education in the region; and

WHEREAS, His support for education at all levels has been a hallmark of his service in the Senate of Virginia.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, expresses its appreciation and gratitude to Senator Madison E. Marye for his outstanding public service and dedication to the citizens of Montgomery County; and

FURTHER, The Board of Supervisors of Montgomery County, Virginia requests that the Commonwealth Transportation Board name the US 460 Bypass Extension (3A) Road in honor of Senator Madison E. Marye.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Honorable John Edwards, the Honorable Bo Trumbo, the Honorable Dave Nutter and the Honorable Jim Shuler to seek their assistance and support of this request before the Commonwealth Transportation Board.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
C.P. Shorter	None
Gary D. Creed	
James D. Politis	
Larry N. Rush	
John A. Muffo	
Annette S. Perkins	
Mary W. Biggs	

### **2003-2004 BUDGET CALENDAR**

On a motion by Larry N. Rush, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the proposed FY 2003-2004 Budget Calendar is hereby approved. It is the intent of the Board of Supervisors

that departments, offices and agencies requesting funds through the budget process adhere to the deadlines prescribed within the calendar. The names of the departments, offices and agencies failing to comply with this directive shall be reported to the Board of Supervisors at their first meeting in January 2003.

## **COUNTY OF MONTGOMERY** **BUDGET CALENDAR FOR 2003-2004**

The Budget Calendar is a schedule for the development of the County budget. It is very important that everyone adhere to the Budget Calendar and fulfill his/her responsibility in the budgeting process.

<b><u>DATE</u></b>	Financial & Management Services December 31, 2002	April 10 - April 28, 2003
November 14, 2002		By June 30, 2003
		After July 1, 2003
	January 13, 2003	
December 18-19, 2002	February 10, 2003	
<b><u>FUNCTION</u></b>	February 26-28, 2003	
Budget working documents given to divisions at a meeting in the Government Center's multi-purpose room and mailed to external agencies along with special instructions and guidelines.	March 7, 2003	All Base Budget Revisions for all divisions, agencies and organizations (except for Schools) returned to Co. Administrator.
	March 7-24, 2003	Administrative review of base budgets
Divisions without access to the County's network keys base budget changes.	March 24, 2003	
<b><u>RESPONSIBILITY</u></b>	April 3, 2003	Public Hearing for citizen input
County Administration and Financial & Management Services	April 10, 2003	School Budget delivered to County Administrator.
		Distribute budget recommendations to County Divisions and

Offices.

Budget document delivered to Board of Supervisors and placed in Libraries.	Board of Supervisors School Board
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Work Sessions

Establish proposed tax rate and prepare budget synopsis notices of public hearing in paper.	County Administrator County Administrator
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Publishment date for public hearings on proposed tax rate and budget synopsis.	Board of Supervisors Board of Supervisors
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Public Hearing on proposed tax rate and budget.	County Administrator
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Adopt budget (including Schools) and establish tax rate.	Board of Supervisors
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Make final budget appropriation.	Board of Supervisors
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Divisions and Agencies notified of final appropriation.	Board of Supervisors County Administrator
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Directors, Division and Agency Heads

1. PUBLIC HEARING: A public hearing on the budget is required. If a tax rate increase is needed, notice must be published at least 7 days before the public hearing and at least 14 days before final action.
2. TAX RATE AND BUDGET: The tax rate and budget must be established at the same time. This must be done early to process the first installment of real estate taxes.
3. LEGAL NOTICES AND PUBLIC HEARINGS: Legal notices and public hearings on the School Budget may be considered separately from the Non-School Budget. The School Budget must be approved by May 1, 2003 or within 30 days after receipt of State revenue estimates, whichever is later.

The vote on the foregoing resolution was as follows:

AYE

NAY

Gary D. Creed None

John A Muffo

Larry N. Rush

Annette S. Perkins

James D. Politis

C.P. Shorter

Mary W. Biggs

**Elliston Volunteer Fire Department -Transfer from General Contingencies**

On a motion by Gary D. Creed, seconded by C.P. Shorter and unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that a transfer is hereby authorized as follows:

FROM:

950 General Contingencies (\$7,810)

TO:

330 Elliston Volunteer Fire Department \$7,810

Said resolution transfers funds from General Contingencies to Elliston Volunteer Fire Department for the required 10% match for the FEMA Fire Act Grant.



The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Larry N. Rush	None
Annette S. Perkins	
C.P. Shorter	
James D. Politis	
John A. Muffo	
Gary D. Creed	
Mary W. Biggs	

### **Parks and Recreation Commission By-Laws**

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby approves the amended Parks and Recreation Commission by-laws dated October 3, 2002, as follows:

### **BY – LAWS FOR THE COUNTY OF MONTGOMERY PARKS AND RECREATION COMMISSION**

The Montgomery County Parks and Recreation Commission, established in conformance with the resolution adopted by the Board of Supervisors of the County of Montgomery on September 3, 1975, has adopted the following articles in order to facilitate its power and duties in accordance with the provisions of Chapter 18, Section 15.2-1806 of the 1950 Code of Virginia as amended, and the ordinances of Montgomery County, Virginia.

#### **ARTICLE 1**

That there is hereby created a Commission to be known as the Montgomery County Parks and Recreation Commission, Hereinafter referred to as “the Commission”.

#### **ARTICLE 2**

##### **Purpose of the Commission**

The purpose of the Commission is to serve as an advisory Committee to the Board of Supervisors in

respect to leisure recreation opportunities and facilities for all residents of Montgomery County. They shall be charged with making recommendations to the Board of Supervisors concerning recreation programs and park facilities designed by the local governing body.

### ARTICLE 3

#### Membership

Section 1. The Commission shall be appointed by the Montgomery County Board of Supervisors and shall consist of nine (9) members. The appointed term shall be three (3) years.

Upon expiration of their original terms of office, each succeeding term shall be for three (3) years and until their successors qualify for office. No Commissioner may serve for more than two consecutive three year terms.

Section 2. The Commission shall be appointed by the Board of Supervisors According to the following schedule:

One (1) member from each of the election districts in the County: 2) Two (2) members at large from Montgomery County. The Director of Parks and Recreation shall serve as non-voting, ex-officio member to the Commission.

Section 3. The Chairman of The Board of Supervisors may, by and with consent of the Board, remove any member of the Commission for misconduct or neglect of duty.

Section 4. Three consecutive absences constitutes a resignation except in case of sickness or emergency, with notification within ten (10) days of the meeting.

Section 5. Vacancies occasioned by removal, resignation, or otherwise shall be reported to the Board of Supervisors and shall be filled in like manner as original appointments except that the term of office is restricted to the unexpired term of office. The Commissioner fulfilling the unexpired term of a vacated Commissioner may be appointed for two more consecutive terms.

Section 6. Commission members may be compensated as the governing body so directs. Members shall be reimbursed for travel and subsistence to professional recreation meetings, conferences, and workshops and such reimbursement being made in compliance with the general policies of Montgomery County.

### ARTICLE 4

#### Officers

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Section 1. The officers of the Commission shall be a Chairman, a Vice–Chairman, Secretary, and a Treasurer. The Officers shall be Elected at the organization meeting in January to serve for one year or until a successor shall be elected.

Section 2. The Commission shall adopt by-laws, rules and regulations governing its procedures and not inconsistent with the pro-visions of the State laws and the approved ordinance as set forth by the Montgomery County Board of Supervisors.

## ARTICLE 5

### Meetings

Section 1. Regular meetings shall be held at least once each month during the year. The meeting dates will be established at the organization meeting in January.

Section 2. Special meetings may be called by the Chairman or on the written request of at least two members.

Section 3. All regular meetings are to be established at the organization meeting in January.

Section 4. The meetings shall convene at 7:00 P.M. unless otherwise agreed. If the place or time of the meeting of the Commission will not be followed, an alternative of these shall be published seven days before in the local newspaper or such publication of the county.

Section 5. The first regular meeting in January of each year shall be called the organizational meeting. The purpose of this meeting shall be the election of officers, and other business that may need to come before such meeting.

Section 6. Five (5) voting members shall constitute a quorum at any regular or special meeting.

Section 7. All meetings are open to the public.

Section 8. Meetings shall be conducted in accordance with procedures prescribed in the by-laws and decisions reached only after full consideration on the issue in questions.

Section 9. Robert's Rules of Order, Revised, should be observed except or otherwise specified by the Commission's by-laws, rules and regulations.

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Section 10. The following shall be the order of business of the Commission, but the Rules of Order may be suspended and any matters considered or postponed by action of the Commission:

- a. Call to order.
- b. Roll call.
- c. Consideration of minutes of last regular meeting and of any special meetings held subsequently and their approval or amendment.
- d. Public Input.
- e. Reports of standing committees.
- f. Reports of special committees.
- g. Reports of the Parks & Recreation Director.
- h. New Business.
- i. Old business.
- j. Adjournment.

#### ARTICLE 6.

##### Duties and Responsibilities of the Commission

Section 1. The Parks and Recreation Commission serves in an advisory capacity to the Montgomery County Board of Supervisors. The Commission shall review recreational programs and facility offerings and make recommendations on parks and recreation issues as deemed necessary. Official recommendations from the Commission are to be passed through the Board of Supervisors Liaison of the Commission. The Liaison shall present recommendations and resolutions to The Board of Supervisors.

Section 2. Interpret the recreation and parks services in the community and interpret the needs and desires of the community to the local governing body.

Section 3. Financial Duties and Responsibilities. The Commission shall have no authority to enter into any contract or incur any obligation binding the governing body of Montgomery County.

#### ARTICLE 7

Section 1. Director's Relationship. The Director has a continuing responsibility to explain the organization, responsibilities, and working relations to the Commission, explain program objectives to them, assist them in details of organization, and assist in all matters related to good organization. He is an ex-officio member (by virtue of his office) and attends committee meetings. He keeps the Commission informed

concerning the interests, needs objectives, progress, plans, and other factors of importance to them. The Director shall be the official medium of communication between employees of the Recreation Department and the Commission.

Section 2. Chairman's Duties. The Chairman shall preside at all meetings, appoint committees, call special meetings when deemed advisable, and perform all such duties as usually handled by a chairman except when such duties are properly delegated.

Section 3. Vice-Chairman's Duties. The Vice-Chairman of the Commission in the absence of the Chairman shall perform all the duties of the Chairman. In the absence of both the Chairman and the Vice-Chairman, the duties of the Commission shall elect a Chairman Pro Tempore who shall perform the duties of the President. The Vice-Chairman shall be charged with the responsibility to see that all standing and temporary committees function as planned by the commission.

Section 4. Secretary's Duties. The Secretary shall perform the usual duties pertaining to the office. The Secretary shall keep or cause to be kept a full and true permanent record of all meetings of the Commission. This includes regular and special meetings plus reports of standing committees and shall be the custodian of all documents committed to his care. The Secretary shall issue or cause to be issued notices of regular and special meetings. Also, the Secretary must insure minutes of the previous meeting to the Commission members prior to all meetings.

#### ARTICLE 8

Section 1. The Parks and Recreation Commission shall make full and complete reports to the governing body at such times as may be requested and at such other times as to the governing body may deem proper. The fiscal year of the Commission shall conform to that of the governing body of Montgomery County.

#### ARTICLE 9

Section 1. Amendments. These by-laws may be amended at any regular meeting of the Commission by a majority vote of the entire Commission, provided previous notice of the nature of any proposed amendment shall have been given at least one regular meeting before the action thereon shall be taken.

Any amendments to the by-laws must also have the approval of the Board of Supervisors.

APPROVED BY:

\_\_\_\_\_  
Date (s) Mary W. Biggs  
Chairman, Board of Supervisors

\_\_\_\_\_  
Date (s) Wynn Parker  
Chairman, Parks and Recreation Commission

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
C.P. Shorter	None
Larry N. Rush	
James D. Politis	
Gary D. Creed	
John A. Muffo	
Annette S. Perkins	
Mary W. Biggs	

**Schedule Public Hearing - Proposed Ordinance -Prohibiting the Resale of Tickets for More than the Tickets Face Value to Certain Public Events**

No motion was made, therefore, no action taken.

Supervisor Muffo stated that if Virginia Tech indicates that they do not want an ordinance to prohibit scalping then there was no need to pursue this matter. The County Attorney was instructed to contact Virginia Tech and the Town of Blacksburg about this issue.

**COUNTY ADMINISTRATOR'S REPORT**

FY 2003-2004 Budget The County Administrator reported that the state budget cuts will impact the 2003-2004 county budget. He informed all department directors that the FY 2003-2004 budget will be level funded. There will be no increases this year. The State Compensation Board sent out a letter informing all constitutional offices, with the exception of the Sheriff, that their budgets will be cut this fiscal year by 11%. The County Administrator requested each Constitutional Officer to submit a plan on how they are planning to reduce their budget this year.

The County Administrator also noted that Pulaski County will host the Human Services agencies budget review this year.

The Regional Commission The County Administrator reported that The Regional Commission requested that the Board of Supervisors comment on the following topics:

- Completion of the Smart Road
- Improvement to Interstate 81

The Regional Commission will be meeting with the Legislators on October 31, 2002 to address these topics.

Compass Award The Chair announced that the County Administrator received the Compass Award from the Public Relations Society of America, for his support and leadership in establishing a successful, active and growing program of public information in Montgomery County. He received the award October 25, 2002 at the PRS's Awards dinner at the Hotel Roanoke.

Supervisor Creed left the meeting at 9:50 p.m.

## **BOARD MEMBERS' REPORTS**

Supervisor Politis attended the Extension Leadership Council quarterly meeting. Discussion included getting Counties needs addressed through extension.

Department of Social Services - Supervisor Politis attended the DSS meeting. Concerns with State budget cuts were discussed.

Supervisor Shorter raised a concern about the Board of Supervisors receiving numerous requests for Special Use Permits for construction of oversized garages. He suggested that they refer this issue back to the Planning Commission to determine if these requests can be processed more efficient manner.

Resolution of Appreciation - Supervisor Shorter requested that the Board of Supervisors adopt a resolution of appreciation to the law enforcement involved in capturing the snipers who created terror for three weeks in Maryland, Virginia, and Washington D.C. Mr. Charles Moose, Montgomery County Maryland Sheriff's Department, the FBI, and local law enforcement all did a wonderful job.

Use of Vacant School Facilities Supervisor Shorter believes that the Board of Supervisors needs to obtain fee appraisals for the vacant school buildings. He expressed concerns with the future uses of the vacant buildings.

## **Authorization for Fee Appraisals - Vacant School Facilities**

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On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby authorizes the County Administrator to obtain a fee appraisal for the following schools:

1. Former Bethel Elementary School Building  
Located on Tyler Road, Radford
2. Old Blacksburg Middle School  
Located at 501 South Main Street, Blacksburg
3. Old Christiansburg Middle School  
Located at 208 College Street, Christiansburg
4. Former Shawsville Middle School  
Located on Old Towne Road, Shawsville

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Gary D. Creed
Annette S. Perkins		
James D. Politis		
Larry N. Rush		
C.P. Shorter		
Mary W. Biggs		

### **Supervisor Shorter's Report Continued**

Extension Office Supervisor Shorter expressed concern with the closing of several Extension Offices due the state budget cuts. He believes that the extension offices should be protected and the Board should let the Legislators know how the closing of these offices will affect local farmers and citizens. Supervisor Shorter reported that the coyote and vulture program was cut more than 50%.

Supervisor Rush reported that he will be out of town for the entire month of November due to work related duties.

Supervisor Muffo attended the County/Town Liaison meeting held October 16, 2002. Preparation of the soccer agreement is underway.

Supervisor Biggs reminded the Board about the Metropolitan Planning Organization (MPO) meeting on

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Tuesday, October 29, 2002 at 7:00 p.m.

House Appropriation Meeting Supervisor Biggs attended the House Appropriation meeting held at Virginia Tech, where she was on the welcoming committee. She noted that the state budget cuts was an important issued discussed. Not only does the local government leaders need to be vocal about these cuts, but the citizens need to be outspoken and let their legislators know about services being cut.

### **INTO CLOSED MEETING**

On a motion by Larry N. Rush, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711      (7)      Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Town of Blacksburg Water Agreement

(3)      Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body

1. Falling Branch Corporate Park

(1)      Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of

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Any Public Body

1. Social Services Board
2. Board of Equalization
3. Agency on Aging

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Larry N. Rush	None	Gary D. Creed
C.P. Shorter		
James D. Politis		
Annette S. Perkins		
John A. Muffo		
Mary W. Biggs		

**OUT OF CLOSED MEETING**

On a motion by James D. Politis, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Larry N. Rush	None	Gary D. Creed
C.P. Shorter		
James D. Politis		
Annette S. Perkins		
John A. Muffo		
Mary W. Biggs		

**CERTIFICATION OF CLOSED MEETING**

On a motion by Annette S. Perkins, seconded by John A. Muffo and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Larry N. Rush  
C.P. Shorter  
James D. Politis  
Annette S. Perkins  
John A. Muffo  
Mary W. Biggs

NAYS

None

ABSENT DURING VOTE

Gary D. Creed

ABSENT DURING MEETING

Gary D. Creed

APPOINTMENTS

**SOCIAL SERVICES BOARD**

On a motion by James D. Politis, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Grant A. Hallock** to the **Social Services Board** effective October 29, 2002 and expiring June 30, 2004.

Said appointment fills the unexpired term of Father Harry B. Scott, III, deceased.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Gary D. Creed
Annette S. Perkins		
Larry N. Rush		
John A. Muffo		
C. P. Shorter		
Mary W. Biggs		

### **AGENCY ON AGING**

On a motion by James D. Politis, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Robert E. Gribben** as alternate to the **Agency on Aging Board of Directors** effective October 1, 2002 and expiring September 30, 2003.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Gary D. Creed
Annette S. Perkins		
Larry N. Rush		
John A. Muffo		
C. P. Shorter		
Mary W. Biggs		

### **ADJOURNMENT**

On a motion by C.P. Shorter, seconded by Annette S. Perkins and carried unanimously, the Board adjourned to Tuesday, October 29, 2002 at 7:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Larry N. Rush	None	Gary D. Creed

C.P. Shorter  
James D. Politis  
Annette S. Perkins  
John A. Muffo  
Mary W. Biggs

The meeting adjourned at 11:15 p.m.